



# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

Regular Session

Date: DECEMBER 13, 2004

### AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of NOVEMBER 8, 2004 meeting as written.

### PRELIMINARY MEETINGS:

1. **BRIAN INKELES (04-74)** Request for 50,000 sq. ft. Minimum Lot Area to add a second kitchen creating a two-family residence at 8 Windsor Garden Dr in an R-5 Zone (bulk tables 6-C) **(38-1-15)**
2. **HOFFMANN-WALKER, INC. (for Gita Nadas) (04-76)** Request for 12,375 sq. ft. Minimum Lot Area (Bulk Tables 5-C) and; 50 ft. Minimum Lot Width (Bulk Tables 5-D) for proposed single-family dwelling at 458 Bull Road in and R-1 Zone **(52-1-13.33)**
3. **NANCY-JO LEWIS (04-78)** Request for 17 ft. Rear Yard Setback (Bulk Tables 300-10-G) for Existing Rear Deck at 42 Kings Road in an OLI Zone **(32-1-10.23)**
4. **FREDERICK DOBBERTIN (04-79)** Request for a Use Variance to convert a single-family dwelling to a two-family dwelling (Bulk Tables 300-8) at 9 Carpenter Road in an R-1 Zone **(53-2-10)**
5. **MARY BURTON (04-75)** Request for Use Variance to allow a two-family dwelling in an R-4 Zone (Bulk table 300-8, column A) at 151 Quassaick Avenue **(17-4-51)**
6. **JOAN KAISER (04-77)** Request for Interpretation and/or Use Variance for Existing Single-Family home with two kitchens (bulk tables 300-8; A) at 25 Walnut Street in an R-4 Zone **(18-2-2-)**

### PUBLIC HEARINGS:

7. **TOPO REALTY (GREG SHAW) (04-73) (PB# 04-26)**

Request for:

11 spaces of off street parking and;  
56 Square Feet Minimum Lot Area and;  
91 Feet Minimum Lot Width and;  
15 Feet Side Yard Setback and;  
29 Feet Side Yard Setback and;  
1 Foot Maximum Building Height

located at 42 Windsor Highway in a C zone. **(10-2-7)**

**ZONING BOARD OF APPEALS**

**Regular Session**

**Date: DECEMBER 13, 2004**

**AGENDA - CONTINUED**

- 8. HALMAR CONTRACTING (04-69)** Request for 2 ft. Maximum Building Height for existing 8 ft. chain link fence located between building and street (300-11-C-1-C) at 1224 River Road in a PI zone (9-1-76)
- 9. MICHAEL VELA (04-70)** Request for a 6ft variance for a proposed attached garage (R-4 Use Bulk Tables E-6) located at 10 Doral Drive in an R-4 zone. (19-4-46)
- 10. ALTON & ALICE PETERSON (04-71)** Request for a 27ft side yard variance and a 34.7ft total side yard variance for a proposed addition located at 53 Riley Road in an R-3 zone. (67-1-3)
- 11. JOHN LEE (04-72)** Request for a 21ft variance for a proposed attached rear deck with attached gazebo located at 2817 Cherry Tree Way in an R-3 zone. (77-2-5)

**FORMAL DECISIONS:**

**JAMES LEE (04-48)**  
**ANGEL BRENNAN (04-51)**  
**MICHAEL SULLA (04-53)**  
**HERBERT REDL (04-52)**  
**JOHN TALDONE (04-54)**  
**KATHLEEN CAMPBELL (04-23)**  
**MARIE GUILLOTIN (04-60)**  
**CHARLES VALOIS (04-61)**  
**ANTHONY FAYO (04-62)**  
**JAMES HOSKIN, JR. (04-64)**  
**ANTHONY YONNONE (04-63)**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
DECEMBER 13, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
STEPHEN RIVERA  
JOSEPH MINUTA  
KATHLEEN LOCEY  
KIMBERLY GANN

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD  
MICHAEL REIS

MICHAEL BABCOCK  
BUILDING INSPECTOR

REGULAR MEETING

MR. KANE: I'd like to call the December 13, 2004 meeting of the New Windsor Zoning Board of Appeals meeting to order.

MINUTES OF NOVEMBER 8, 2004

MR. KANE: Motion to accept the minutes of November 8, 2004 as written.

December 13, 2004

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MR. RIVERA: So moved.

MR. MINUTA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

BRIAN INKELES (04-74)

MR. KANE: First preliminary meeting is Brian Inkeles.

Mr. Brian Inkeles appeared before the board for this proposal.

MR. KANE: Request for 50,000 sq. ft. minimum lot area to add a second kitchen creating a two-family residence at 8 Windsor Garden Drive. Tell us what you want to do.

MR. INKELES: Basically what I have is I have an unfinished attic that I'd like to finish and establish it as a living area for my daughter so she could move in and I'm going to incorporate one of the existing bedrooms in the existing house into that living area.

MR. KANE: This is for your daughter to use?

MR. INKELES: Yes, correct, for my daughter.

MR. KANE: Is that the sole intent at this point of putting--

MR. INKELES: Yes, just for her.

MR. KANE: So you're not going to have separate gas or electric?

MR. INKELES: No, it's all going to be connected, all the gas, electric, everything is going to be connected. The utilities are all going to run into the main utilities and the existing residence.

MR. KANE: Is Michael going to be here this evening?

MS. MASON: No.

MR. KANE: Well, 50,000 square feet is an extraordinary amount of property to access, I think what you need to do because that's what it's calling for to make this, create a two-family residence, we have done a number of things in New Windsor with adding a second kitchen to a home where they don't indicate that it's going to be a two family situation, it's all used by the same family. Showing my age, but used to have summer kitchens down in the basement, this kind of stuff.

MR. INKELES: I kept trying to do that and the building inspector kept switching it. I wanted to put it in as a one family with two kitchens and I talked to the building inspector then I talked to the assessor and they said because there's a door from the outside into the garage it automatically, and the staircase can be entered from the garage to go upstairs it automatically becomes a two family because there's an exit to the outside. That's what they told me.

MR. MINUTA: You have an individual separate means of egress?

MR. INKELES: There's a back door outside of the garage and the staircase, enclosed staircase that goes up.

MR. KANE: But inside that house with both finished areas do you have access to that, to those areas from inside your house?

MR. INKELES: Yes because I'm going to break through into the other bedroom, it's going to be, one of my bedrooms is going to be included into that living area so that there will still be a door, you know, the existing bedroom door goes right into my house.

MR. MINUTA: Can you explain the second level, second story, in other words, all the bedrooms including your daughter's is going to be combined?

MR. INKELES: Right now, it's a two story colonial, there's a garage attached to the side of the house, above the garage is a completely unfinished attic that when the house was built the builder framed so that it could be finished and what I want to do is put like a bath and a kitchen and a living room in there and then I'm going to make an archway into one of the bedrooms in my existing part there. Basically, I'm doing it so like she can have a little privacy, you know, in other words, she shouldn't have to entertain her friends in my kitchen, that kind of thing.

MR. KANE: They all end up there anyway.

MR. INKELES: I know but the whole thing behind it is basically right now I live alone in the house so all we're doing is adding one more person in a house that's pretty big.

MR. KANE: What I'd like to do if the other board members agree with this and obviously you have available about 15,000 square feet for a two-family home as far as your property for two-family home the requirement is 65,000 square feet so that makes the variance extremely substantial, what I would like to do is change your request and just add and/or interpretation to it and since we have to do everything in a public hearing, what we would do is consider the interpretation that the single family, the second kitchen would be in a single family home and used as a single family home which you'd be under oath on the record which is binding that it will never be used as a, you know, a rental apartment or anything along those lines, strictly--

MR. INKELES: That's not the purpose in doing that.

MR. KANE: So I'd like to add that on to your request so that gives us two ways to go, I just see basically

you're asking for a variance on three times the amount of property that you don't even have there, it doesn't make any sense to me.

MR. INKELES: Actually, if you see the original application for the building permit, you don't have that, I wrote right on it single family with two kitchens and everybody kept trying to make it a one-family, two-family house.

MR. MINUTA: Accept a motion?

MR. KANE: Yeah, I will.

MR. MINUTA: Make a motion that we forward Mr. Brian Inkeles to the public hearing with an altered request for the second kitchen to be part of the one-family residence and that we seek an interpretation of the zoning code.

MR. KANE: And Myra you'll make sure that that gets changed in the request?

MS. MASON: Yes, I will.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE



HOFFMAN WALKER, INC.

Mr. Bill Walker appeared before the board for this proposal.

MR. KANE: Request for 12,375 sq. ft. minimum lot area and 50 ft. minimum lot width for proposed single-family dwelling at 458 Bull Road. Tell us what you want to do, sir.

MR. WALKER: I'd like to build a single family residence on this existing lot and it does not currently meet the bulk requirements for the zone.

MR. KANE: How big is the house you're proposing to build?

MR. WALKER: It's just over 2,400 square feet, I have a copy of it here.

MR. KANE: Not necessarily the square footage at this point but the dimensions?

MR. WALKER: Footprint 49 wide by 36 deep, it's a bump-out for the garage.

MR. KANE: Similar in size to other homes in that neighborhood?

MR. WALKER: There are two, not that house right next to it to the right but two down there are two colonials that I'd say are in that range, probably 2,000 and 2,200 square feet so maybe a couple hundred square feet bigger than those homes but similar.

MR. MINUTA: Would you say that they're situated on an approved lot at that point in relation to your lot?

MR. WALKER: The lot sizes are similar, the existing houses are actually go right down Bull Road one after

another all on this size the existing lot size right down the road.

MR. KANE: So those homes would be in this area somewhere?

MR. WALKER: Yes.

MR. RIVERA: Shared driveway?

MR. WALKER: No, this driveway's only going to access that proposed house.

MR. KANE: When you see the drawing, there's a proposed house, we're used to seeing a second lot in back. You're going to do well and septic?

MR. WALKER: Yes, the proposed well is behind the home and the septic is in the front.

MR. KANE: How many bathrooms in the house?

MR. WALKER: Two full and a powder room.

MR. KANE: I'm warning you right now public hearing you're going to have a lot of people in here with the wells so be prepared to address that. There are a lot of people very nervous about their wells nowadays and the amount that it takes to drill down to them so as long as that's why I asked the size of the house if it's similar in that neighborhood and everything you still have a basic right to build on your property so--

MR. WALKER: Yeah, that's my intent is to fit into the neighborhood.

MR. KANE: Be repaired to address that because we've seen a lot of that so I want to give you a little heads-up on that.

MR. MINUTA: Does the applicant plan on residing in the home?

MR. WALKER: I do not, no, it will be built for sale.

MR. KANE: Will you be removing any trees, shrubbery?

MR. WALKER: Yes, right along the front of the property, actually right along the property line is all shrub overgrowth, nothing that's substantial, very poor looking so I am going to remove all that, plant some pines, dress it up from that front tree line back to where you see right behind the house there's a stone wall, it's all field so I'm just going to need to, until that stone wall starts a tree line so I'm just going to need to clear a little for the back yard, that's all I'm going to do.

MR. KANE: How flat an area is the home going in?

MR. WALKER: It's all flat, it actually is I would say maximum from the front property line to the second stone wall it actually rises to the first stone wall but not more than maybe two feet at maximum, then it goes down another two feet then it hits behind the second stone wall goes up.

MR. KANE: Pursuant to my question have you been out there in the last week or so and walked the property?

MR. WALKER: Not in the last week.

MR. KANE: How about the drainage, are you going to be creating any water hazards or runoffs with the building of the home?

MR. WALKER: No, I don't think so. There's a, from the street to the property is an incline so it's above street level, there's a swale along the street that, you know, put a culvert under the driveway so the water

keeps running into that swale.

MR. KANE: What about the sides to your neighbors'?

MR. WALKER: Right now, it's all pretty much level, I mean, the whole street honestly is almost at the same plain behind the other houses it falls off in the back so where I'm going is the same idea, I'll make sure that they're, when it's grade, it will be pretty much level but everything will run to the back left corner, if there's any, I mean, it's pretty level and in the back against the stone wall the water runs right through this to the next property.

MR. KANE: Be prepared at the public hearing to address that, I'm sure there will be questions on that. Joe, anything further?

MR. MINUTA: No.

MR. KANE: I'll accept a motion.

MR. MINUTA: I'd like to make a motion that we forward Hoffman Walker Inc. to a public hearing for their requested minimum lot area variance located at 458 Bull Road in an R-1 zone.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

NANCY-JO LEWIS (04-78)

MR. KANE: Request for 17 ft. rear yard setback for existing rear deck at 42 Kings Road.

Ms. Nancy-Jo Lewis appeared before the board for this proposal.

MR. KANE: Lot of towns only hold one meeting for a zoning appeal which means if you don't have the proper information when you come in and they vote against it you lose. What New Windsor does we have a preliminary hearing so we can get an idea of what you want to do and what you need to present to us to have a chance of having your request approved so we do it in a two step system but by law everything we decide has to be done in a public hearing. So that's what the prelims are for right now. Speak up so the young lady over there can hear you and tell us what you want to do.

MS. LEWIS: Actually, the deck is already on the house and I'm in the process of selling the house and I just found out before we had the closing that I did have a violation.

MR. KANE: How long has the deck been in existence?

MS. LEWIS: Probably about 20 years.

MR. KANE: Any complaints formally or informally about the deck at all?

MS. LEWIS: No.

MR. KANE: Are you on sewer and--

MS. LEWIS: No, septic and well.

MR. KANE: Any easements where the deck is?

MS. LEWIS: No, there's no easements on the property at all.

MR. KANE: Deck is similar in size and nature to other decks in your neighborhood?

MS. LEWIS: Yeah, similar.

MR. KANE: Not exact but--

MS. LEWIS: Yes.

MR. KANE: Fine.

MR. MINUTA: You're not replacing the deck?

MS. LEWIS: Actually, that deck replaced a smaller one, we had a house fire and it was damaged and we took it off the back of the house.

MR. KANE: At the public portion of the hearing, if this is approved, you realize you still have to pass all the codes from the building department?

MS. LEWIS: Exactly. That last picture is from the deck shows the rail to the back property line which is on the other side of the stone wall and then in the way in the back is Route 207 actually no house directly behind.

MR. KANE: What's the size of the deck approximately?

MS. LEWIS: It's 12 x 8, 24, 25, I'm not exactly sure.

MR. KANE: Okay, it's not overly large and obviously without the deck, if you walked out the front door, it would be a safety hazard?

MS. LEWIS: Well, that's the back door, yes, it would, yes.

MR. KANE: Can we keep these for the file?

MS. LEWIS: Yes, you can.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: Make a motion we forward Nancy-Jo Lewis for her requested rear yard setback at 42 Kings Road.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

FREDERICK DOBBERTIN (04-79)

Mr. and Mrs. Frederick Dobbertin appeared before the board for this proposal.

MR. KANE: Request for a use variance to convert a single-family dwelling to a two-family dwelling at 9 Carpenter Road. Okay, before we get into detail questioning you guys now what we're getting into with a use variance, very, very hard and the requirements are state mandated, the hardest ones to overcome is basically proving in dollar figures that you cannot sell your residence not at a profit or anything for a reasonable fee as a single family home before we can change the use, very difficult, which means you need to get real estate agents, assessors to say that it really unusual circumstances that will come up. It's kind of hard to prove, you're welcome to go through it but I think it's going to be very difficult.

MR. DOBBERTIN: What we're trying to do is I built a house for her mother to live, her mother is now 84 years old, her nephew, the woman's grandson we're trying to create a place for him to live so he can become part of her care.

MRS. DOBBERTIN: Assist in taking care of grandma because I'm her primary caretaker.

MR. KANE: Is there any way to do this with keeping this as a one-family home adding another kitchen and the access because you should, use variances are very difficult to pass and it has nothing to do with us, right?

MR. KRIEGER: That's true but he just answered the question, yes, so that changes it.

MR. DOBBERTIN: There's a separate entrance.



MR. KANE: Well, not just a separate entrance but the inside the house you have to have access, free access going like it's any other home so couldn't be separate from the inside. If you follow what I'm saying?

MR. DOBBERTIN: Yes, yes.

MR. KANE: If you can and it would still have to stay on the same one meter just as we did with the first person if you can do stuff like that and want to just add a second kitchen for convenience, a little privacy we can go that route with it too but I really think for your situation and where it is and with the house, you're just not going to be able to prove what you need to prove to get a use variance.

MR. DOBBERTIN: I was kind of wondering what I had to move, all I want to do is add a kitchen so he has a place to live to take care of her.

MR. KANE: If you want we can leave it on there and discuss it but let's change your request. I just don't think you're going to have the right information that the state requires, it's not a, it's really not a judgment call a hundred percent like most things are for us, there are separate rules that you have to follow and the monetary thing is one of them and that means basically you can't sell your house to be used as a single family house to anybody, they wouldn't buy it which would be impossible for you. So what I'd like to do is have you change your request to an interpretation of adding a second kitchen in the home as a continued use as a single family home and if you want better verbiage than that I'd have to check with the lawyer. Do you understand what we're doing here?

MR. DOBBERTIN: Yes.

MR. KANE: Because there's no way you would pass, we run into that like we have run into some old

manufacturing buildings in a zoned area that's more like a single family home and they can prove that nobody would buy this to use it, they'd have to tear it all the way down and rebuild a new one and that's how that's done.

MR. KRIEGER: See the difference basically is if it's a two-family house you have two separate living units, you could presumably rent the second unit at sometime in the future. You've had many persons who come in here and who have applied saying basically they wanted, it's a family member that they want similar to what I understand your situation to be, there's not a desire to have a rental unit there, it's a desire to incorporate a family member. So in order for this board to approve a second kitchen and so forth they have to have necessary safeguards to make sure that it is a single family house, it's always going to remain a single family house.

MR. KANE: Yeah and that's just one of the requirements, the other is that it's not a self-created hardship, bingo, you fail that right off the bat, you know, so there's, it's very, very difficult for use.

MR. KRIEGER: But if they go the second route.

MR. KANE: If they go the second route, you can put a kitchen and you can add the second bedroom as long as you have internal access that's not locked doors anything like that, somebody opened the door and just walk in and kind of free like a regular family would have then it's not a problem. What we do here is that the building department looks to cover themselves with second kitchens in a home by having you come in and state for the record basically under oath that you will not be using it as a rental unit, you'll be using it as a single-family home, that's why we look at the power, that kind of stuff.

MR. DOBBERTIN: So all the same utilities and so forth.

MR. KANE: I'm going to have Myra change this to an interpretation with your permission.

MR. DOBBERTIN: Yes.

MR. KANE: For an interpretation for a second kitchen.

MR. MINUTA: I'd like to make a motion that we forward Frederick Dobbertin for an alteration to his requested variance use to incorporate a second kitchen with the intent of family member taking care of another at 9 Carpenter Road in an R-1 zone.

MS. LOCEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MARY BURTON (04-75)

Ms. Mary Burton appeared before the board for this proposal.

MR. KANE: Request for use variance to allow a two-family dwelling in an R-4 zone.

MS. BURTON: My story is that my mother sold her home in order to move to a home that was accessible on one floor. The home is advertised as a two family and days before the closing we found out that it was a use variance that the state had had and at its sale it was regarded as a single family.

MR. KANE: Not possible.

MR. KRIEGER: Not if it was a variance.

MS. BURTON: They had a tenant.

MR. KANE: If they had a use variance on that property, no, I didn't--hold on.

MS. BURTON: There was a letter that came out at the title search. They sold their house and it fell through because it was not a two family as deemed by that letter so we had to pay out of pocket so if we want to have the variance reinstated whatever we have to do to make it legal.

MR. KANE: That's probably the way to go.

MR. KANE: Does this currently have, I mean, it's always been since, well, I guess basically since 1985 it's been used legally as a two-family home?

MS. BURTON: Right.

MR. KANE: Do you have separate meters?

MS. BURTON: No.

MS. LOCEY: That's interesting.

MR. MINUTA: Can I recap this for a second?

MR. KANE: Sure.

MR. MINUTA: Was the original variance that was a conditional use variance, yes?

MR. KANE: Yes.

MR. MINUTA: Which became null and void once the owner left.

MR. KANE: Once the owner left is what it says.

MR. MINUTA: Not currently separate meter, correct?

MR. KANE: Correct.

MR. MINUTA: Fire separation between the two occupancies?

MS. BURTON: I don't know.

MR. KANE: I assume it passed everything back then it was approved, we may need to have that checked by Michael.

MR. MINUTA: Well, it's going to be required should that go through, number one. There are separate means of egress to both?

MS. BURTON: Yes.

MR. MINUTA: But there are no separate meters?

MS. BURTON: No. There's separate zones on the one furnace but there are no separate meters for the utilities.

MR. MINUTA: Two kitchens, et cetera?

MS. BURTON: Yes.

MR. KANE: I think what we want to do is basically look at changing the application that you're putting in to a request to extend or--

MR. MINUTA: My question before you make that, my question is this, the intent of this variance is strictly for the, to sell the property, is that correct?

MS. BURTON: No, I purchased it.

MR. KANE: Under the assumption that it was listed as two family.

MS. BURTON: With funding available as a two family.

MR. KANE: They are the new owners and this is where it comes up so what I'm thinking is to change it to an interpretation, a request for an interpretation to reinstitute the use variance and that could probably be done with an inspection as long as they pass everything that's needed by the building department which would be fire alarm, whatever.

MS. LOCEY: So you think her application should be to continue to use as a two-family residence?

MR. KANE: To reinstate a recently expired application, does that sound right?

MR. KRIEGER: I'm sorry, I was reading this.

MR. KANE: I think she should change the request to an interpretation to reinstate.

MR. KRIEGER: The building is in fact a two family?

MR. KANE: Was used as a legal two family and wants to reinstate the application under the circumstances that it was sold to her.

MR. KRIEGER: If the board were to interpret it as a legal two family, it would have the effect of reinstating, that's the salient question is it one family or two family?

MR. KANE: Right.

MS. BURTON: Would the same constraints apply to me if I were to sell, it would revert back to a single family?

MR. KANE: That will be decided at our public hearing, we'll decide whether that's something that we want give to the property that's been there that long, take a look at what the neighborhoods look like but the thing is as long as you bought the home under these circumstances and it was used as two family obviously everything wasn't laid on the table that we extend that to you but if you went and moved the option would be that it will end at that point too and revert back to a single family home or we could go either way, that would be up to the board and what we discuss at a public hearing.

MS. LOCEY: Is there interior access to each dwelling inside?

MS. BURTON: Yes, there's a door downstairs.

MS. LOCEY: That's the second option, she can go along the same route as the other two.

MR. KANE: Are you looking to rent this out?

MS. BURTON: There's a tenant that's been there for eight years, so I didn't want to uproot and gut the whole place.

MR. KANE: It's not a family type thing so I don't think that will fall under it, just to ask for her to reinstate the use variance that was there since it was, had a time limit to it, that would be the way to go. Now, if we do do this then even if it is approved and we give the use you will still have to pass everything from the building department which means they will be out and look for the fire alarms and whatever they have to do for a real two-family home. Does that sound like a better--

MR. MINUTA: Well, yes, I have a few more questions with regard to this, you purchased the home after 1985?

MS. BURTON: I purchased the home a month ago.

MR. MINUTA: Was title, an abstract search done?

MS. BURTON: Yes, it was and that letter showed up a week before the closing after my mother had sold her home and the mortgage was--

MS. LOCEY: I didn't understand, what's the tenant?

MS. BURTON: My mother and I are moving in together with the tenant staying there and my mother's ill so I'm coming up to take care of her.

MR. MINUTA: So the variance is expired at this point and we need to reinstitute it or not depending on the--

MR. KANE: And this was the listing that they bought the home from totally listed as a two family which it was basically at the time but as soon as she signed the



paper to sell it that variance went away.

MS. BURTON: This is also a letter from the attorney handling the estate and sale. I don't think anybody really knew what was happening with it also.

MS. LOCEY: The person who passed away whose estate sold, is that the same person who acquired this variance?

MR. KANE: No, it's all in the lawyer's letter, basically, they're saying that the remaining people, the beneficiaries of the estate didn't live there, they had no knowledge of what was or wasn't in the house legally except that it was their mother's and it was always used as a two-family house, that's what their lawyer is saying when they got in touch with them.

MS. LOCEY: But the mother who passed away is she the person who got the variance?

MR. KANE: That's correct.

MS. LOCEY: And just that her children didn't realize those legal proceedings?

MR. KANE: Correct, that's what they're implying so I think that's the only way we can go is really look for a way to reinstate it and have a discussion on whether it should be permanent or just continue it as is until this particular resident of that home decides to leave, we can go either way, we can either leave it that way or just make it a full use.

MS. LOCEY: I would hate to see a decision of this board happen 10 or 15 years from now happen to this lady, I would hope a permanent resolution would be found.

MR. KANE: We'll decide which way we want to go and I

don't want to speak for anybody up here but if it's approved then what will happen probably is the building inspector will have to go out and make sure that the conditions of the building meet all of the requirements for basically a two-family home which has to do with fire alarms and the fire separation walls and that kind of stuff so I'm sure if they gave a variance to split this in 1985 they should have been checking into some of that but you never know, things have changed almost 20 years later.

MR. RIVERA: Are there any other homes in the area that fit the same description?

MS. BURTON: I'm not sure.

MR. KANE: She's only there a month, you know New Windsor, every other house is a one or two family.

MR. RIVERA: I guess you'll find out when you send your notices out.

MR. MINUTA: This is an unfortunate circumstance that this happened, I would advise you that you can take any action that you want but I would go back to the abstract on this cause obviously something was not done correctly or this wouldn't have happened to put you in this predicament prior to that but I will make a motion, I'd like to make a motion.

MR. KANE: We'll set you up for a public hearing, keep the ball rolling.

MR. MINUTA: I'd like to make a motion that we forward Mary Burton for a requested variance to allow a two-family dwelling in an R-4 zone located at 151 Quassaick Avenue.

MS. GANN: I'll second the motion.

December 13, 2004

25

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JOAN KAISER (04-77)

Ms. Joan Kaiser appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or use variance for existing single-family home with two kitchens at 24 Walnut Street. Is this two kitchen night? Okay, tell us what you want to do.

MS. KAISER: My mother lived downstairs for, I've owned the home since '81 and my mother lived downstairs for a number of years and then when she got older and she's now 91, I moved her upstairs and my daughter moved downstairs so it's always been a mother-daughter and easy access inside the house, we have one electric, one oil, we use propane for the kitchens, there's two zone heating and shared laundry room.

MR. KANE: Basically, you've always used it is a one-family home and your intent is to keep it as a one-family home?

MS. KAISER: Right but there are two kitchens.

MR. KANE: And as you stated one meter?

MS. KAISER: Yes.

MR. KANE: How long have you guys used it that way?

MS. KAISER: Since I bought it in '81.

MR. KANE: Any other questions, guys?

MR. MINUTA: Just so I can follow my steps here you have owned this since '81?

MS. KAISER: Yes.

MR. MINUTA: And you're before us tonight for what reason, why now are you here?

MS. KAISER: Because I want to sell the house and they said you have to do something about this.

MR. MINUTA: So you're selling the home and you have two kitchens.

MR. KANE: Two kitchens, one meter, been used as two kitchens since 1981.

MR. MINUTA: Okay, I have no further questions.

MR. RIVERA: This is an interpretation then to maintain the home as a single family?

MR. KANE: That's correct.

MR. RIVERA: I'll make a motion that we set up Joan Kaiser for a public hearing for the requested interpretation for use of an existing single family home with two kitchens at 25 Walnut.

MR. MINUTA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

TOPO REALTY (04-73)

Gregory Shaw of Shaw Engineering appeared before the board for this proposal

MR. KANE: Request for 11 spaces of offstreet parking, 56 square feet minimum lot area, 91 feet minimum lot width, 15 feet side yard setback, 29 feet side yard setback and 1 foot maximum building height located at 42 Windsor Highway.

MR. SHAW: If you don't mind, I would just like to read the narrative that I attached to the application. I think it touches on all the important points and when I'm done, I'll give Fran a copy of it.

The subject property is in a 0.92 acre parcel located in the west side of Windsor Highway and within the Designed Shopping Zoning District. The subject property contains and 8,190 square feet building which was approved in 1972 for an office and retail use, office and storage use, excuse me. At that time, the building was constructed for a business known as Mid Hudson Beauty supply. In the 32 years subsequent to the building's construction, the Town of New Windsor amended the bulk requirements of the Design shopping District in its ordinance. The result of these amendments is that while the lot and building met the required zoning requirements of 1972, they do not conform with many of the present bulk requirements, thus the need for the following area variances to rectify the existing non-conforming conditions. Variance number 1, an area variance of 56 feet for lot area where 3,944 square feet is provided and 40,000 square feet is required. Variance number 2, an area variance of 91 feet for minimum lot width where 109 feet is provided and 200 feet is required. Variance number 3, an area variance of 15 feet for a side yard setback one where 15 feet is provided and 30 is

required. Variance number 4, an area variance of 29 feet for side yard setback both where 41 feet is provided and 70 feet is required. The variance number 5, an area variance of one foot for a maximum building height where 16 feet is provided and 15 feet is allowed. The 1972 approval was for 3,780 square feet of retail and office area and 4,410 square feet of storage area. The application of Topo Realty is to use the entire building for office and retail use thus creating a need for the following additional area variance, that being variance number 6, an area variance of 11 parking spaces where 44 spaces are provided and 55 spaces are required.

Topo Realty LLC wishes to utilize the entire building for office and retail use and does not propose any building additions because the above zoning deficiencies presently exist and because that will not be exacerbated by the application of Topo Realty LLC, the granting of one through five, variances one through five will not produce an undesirable change in the character of the neighborhood nor be a detriment to the nearby properties. Also the granting of the five variances will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood, nor can the applicant achieve relief by some other feasible method. Variances one through five are not substantial, not self-created. Variance number 6 which is for off-street parking is not entirely an existing non-conforming condition. Presently there are approximately 22 spaces on the site and 55 are required for the proposed office and retail use. This parking deficiency is partially due to the fact that 3,780 square feet of storage space will be converted to office and retail use and partially due to the fact that the Town of New Windsor has amended its zoning ordinance of 32 years to increase the number of spaces required from that in 1972. To mitigate the conversion of storage space to office and retail space, Topo Realty will create a new parking area at the rear of the building for 29 new parking spaces. The 55 spaces

is the maximum number of spaces that can be created on the site because the new parking area will be developed at the rear and because the surrounding land is presently undeveloped, the granting of variance number 6 will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby property.

Furthermore, the granting of the variance will not have an adverse affect or impact on the physical or environmental conditions of the neighborhood, is not substantial, cannot be achieved by any other feasible method. The pictures that I have submitted to the board I think if you take a look at them pretty much define the character of the neighborhood, as I took the pictures this afternoon I looked across the street, I saw a lumber yard, I saw a concrete plant, I saw an earth excavating equipment company and as I looked to the south of the property, I saw a lot of campers sitting on top of the lawn. The building hasn't been occupied in a while, it's primarily going to be used for medical offices, the front portion may be used for office or may be used for a little bit of retail but it's, of the 8,000 square feet maybe it will be like 1,200 square feet, so I think it will be a substantial improvement to the neighborhood, and we have done everything we can to maximize the number of parking spaces. You cannot create another space on that site. We wish there was more land, there isn't, so we have done the best we could and with that, we request the variances before you tonight.

MR. KANE: I also understand that you're down here with the Planning Board's recommendation on this.

MR. SHAW: Yes, yes, they wish--

MR. KANE: A positive recommendation.

MR. SHAW: Correct, they think it would be a very good use of the property.



MR. KANE: Just to be a real pain, are you going to take the rotten car out of the back?

MR. SHAW: I'm not sure what goes first, the car or the sofa.

MR. KANE: They might want to sit on the sofa while stressing about the car, you know. Okay, so, basically, what we have is that the first five requests are all pre-existing conditions.

MR. SHAW: Correct.

MR. KANE: That were there, we're just going to bring them up to the current zoning regulations. And then we have a request for the 44 parking spaces basically instead of 5 with the 44 being more than enough to serve as the building as it's intended to be used.

MR. SHAW: Yes.

MR. KANE: At this point, I will ask if, open it up to the public and ask if there's anybody in the audience for this particular hearing? Nobody cares. We'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On November 19, I mailed out 15 envelopes and had no response.

MR. KANE: Greg, with the fixing of the parking in the back, are you going to be cutting down any trees or substantial vegetation?

MR. SHAW: There's some trees that are along the property line, they'll be cut down but they're really not substantial and we have no neighbors around it, it's just brush and field behind us that's owned by Manns.

MR. KANE: Creating any water hazards or runoff?

MR. SHAW: We'll probably be generating a little bit of I'm impervious area but that storm water will flow to the state drainage system on Windsor Highway and we'll be getting a permit from the DOT to connect into it.

MR. KANE: Since this was pre-existing, any complaints about any of the, about the situate all either formal or informal that you know of?

MR. SHAW: Just the sofa and the car.

MR. KANE: Thank you, Greg.

MR. MINUTA: Greg, is that retaining wall proposed for this portion of the site in the back?

MR. SHAW: No, it's going to be graded up on a one on two slope with some crown vetch to create, to stabilize it.

MR. MINUTA: I'm familiar with this site, I see no reason not to move forward with this.

MR. KANE: Okay, any other questions?

MR. RIVERA: No.

MS. GANN: No.

MR. RIVERA: Make a motion?

MR. KANE: I'll take a motion, sure.

MR. RIVERA: Make a motion that we grant Topo Realty the requested variances for 56 square foot minimum lot area and 91 feet minimum lot width and 15 foot side yard setback and 29 foot side yard setback and one foot

minimum building height to include the 11 spaces of off-street parking at 42 Windsor Highway.

MR. MINUTA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

HALMAR CONTRACTING (04-69)

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: Request for 2 ft. maximum building height for existing 8 ft. chain link fence located between building and street at 1224 River Road.

MR. BLOOM: Good evening, Mr. Chairman, ladies and gentlemen, how are you this evening? I'm Dan Bloom for the applicant and just very briefly the property consists primarily of a quonset hut on River Road in New Windsor. It is located down in the tank farm region. The application seeks a two foot variance, the existing chain link fence is approximately 8 feet in height, only 6 feet is permitted so we need a two foot variance. By way of some history, my client purchased the property around 1991 and at that time, the fence was in place and I happen to know personally it was in place for many, many years prior to that and as far as my client can determine and as far as I can personally recall, it's never changed, it's always been about the same height with about the top portion barbed wire about a foot. It's the same fencing that appears on the properties to the north and southeast and west. I personally toured it again today to make sure and they all seem to be about the same height, same construction and they're there obviously for security reasons and certainly it would be possible for my client to take it down two feet but we feel that by so doing we'd be depreciating the value of the property. I have the, we're under contract to sell it, the purchaser wishes to continue it the way it's being used now, the existing tenant they feel for security reasons they'd like to keep it in place. When we first came here on the initial application there was some signs on the fence and Mr. Chairman you asked me to address concerns you had about visibility and vision. I immediately spoke to my client, the signs are gone. I went down

there personally and inspected it again today and I don't think there's any visibility issues, personally speaking, it's clear fencing, it's substantial but you can see through it quite well, certainly as well as any of the other fencing down there I went in and out, I didn't see any impediment to vision. The situation was pre-existing certainly not prior to the code, well perhaps prior to the code but we can't prove that but certainly for a substantial period of time. If the variance is granted, certainly at least I respectfully submit it will not adversely impact any of the surrounding property since most of all of them have the similar fencing and for the same purpose.

MR. KANE: The surrounding property is fuel storage?

MR. KANE: Basically fuel storage, most of it is fuel storage, yes, some exceptions but mostly fuel storage.

MR. KANE: So we would consider security to be imperative?

MR. BLOOM: I would consider it to be highly imperative. When I was down there, I happened to note it might be my imagination but I seem to detect more police activity especially state police in that area since 9-11 personally.

MR. KANE: They also have private security down there too, I travel that way every day.

MR. BLOOM: Exactly.

MR. KANE: Any complaints formally or informally about the fence to your knowledge?

MR. BLOOM: Not to my knowledge nor to my client's.

MR. KANE: At this point, I just want to see if we'll open it up to the public, see if there's anybody in the

audience for this particular hearing. Anybody out there care about a fence? No? We'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On November 17th, I mailed out 12 envelopes and had no responses.

MR. RIVERA: Accept a motion?

MR. KANE: I just want to make sure that we, to your knowledge, again, we can't prove how long the fence has been up, it's been up a substantial amount of time but no cutting down of trees or substantial shrubbery that you know of with the fence?

MR. BLOOM: Not that I know of. I have personal knowledge back to 1965 it was there in '65.

MR. KANE: You don't have to date yourself here for us. No creation of water hazards or runoffs?

MR. BLOOM: Almost none to my knowledge.

MR. KANE: Any easements where the fence is located that you know of?

MR. BLOOM: Not that I know of. Title work's been done on it and I'm sure there's none.

MR. MINUTA: Not the same title company as the last applicant?

MR. BLOOM: No, I was listening to that, that was a nightmare story.

MR. KANE: I'll accept a motion.

MR. RIVERA: Yes, I make a motion that we grant Halmar Contracting the requested two foot maximum building

height for the existing chain link fence located at  
1224 River Road.

MR. MINUTA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MICHAEL VELA (04-70)

Ms. Pamela Vela appeared before the board for this proposal.

MR. KANE: Request for a 6 ft. variance for a proposed attached garage located at 10 Doral Drive. Wife of Michael?

MS. VELA: Yes.

MR. KANE: Tell us what you want to do.

MS. VELA: We want to put an attached garage 16, 14 feet by 17 feet on the back part of our property.

MR. MINUTA: I just have a question on your application here you have David Phelps as the architect and the contractor.

MS. VELA: Not yet hired, we haven't decided on a builder yet.

MR. MINUTA: But Mr. Phelps is an architect.

MS. VELA: I don't know.

MR. MINUTA: Clear that up before you proceed.

MS. VELA: Okay.

MR. KANE: Just so you know on the agenda it's a 6 foot front yard variance and basically that's happening because they have two front yards off of Wood Drive would be considered.

MR. MINUTA: For our purposes, we're considering Wood Drive the rear yard?

MR. KANE: Correct.



MR. KANE: In the building of the garage will you be cutting down any trees or substantial vegetation?

MS. VELA: No.

MR. KANE: Create any water hazards or runoffs?

MS. VELA: No.

MR. KANE: Are you on septic and well? Are you on town water?

MS. VELA: Town water.

MR. KANE: And sewer?

MS. VELA: Yes.

MR. KANE: The 14 x 17 garage is the minimum size garage that you can build, fit a car into?

MS. VELA: Yes.

MR. KANE: Similar in size to other detached garages that may be in your neighborhood?

MS. VELA: Yes.

MR. MINUTA: I'm having a little bit of difficulty deciphering this, the proposed garage is going to be off the rear of the house?

MS. VELA: Yes.

MR. MINUTA: And you have access through Wood from wood Drive to there?

MR. KANE: Yes, you can see it goes right back in there.

MR. MINUTA: My question was going to be access but you obviously have it so and I--

MR. KANE: At this point, I will open the public portion of the meeting and ask if anybody's here for this particular hearing? Nobody cares. We'll close it and ask Myra how many mailings we had.

MS. MASON: On November 17th, I mailed out 36 envelopes and had no response.

MR. KANE: The garage itself is going to already I think I have the drawing right out here, it's going to go in the area that you already have blacktopped back there?

MS. VELA: Yes.

MR. KANE: You don't have to worry about developmental coverage because that's already covered. Any other questions?

MR. MINUTA: No, I just want to touch on one more point, with the application just so you know and why I bring this up is if Mr. Phelps signed himself as the architect of record he's currently in violation of New York State Education Law if he's not a legal architect so that's a legal document and it needs to be taken care of.

MS. VELA: He didn't sign it.

MR. MINUTA: Somebody had to sign it. There's no signature? Okay, I'm making a point here, okay.

MS. LOCEY: Did you and/or your husband fill this out? I think they put it in the wrong spot but it needs to be changed.

MS. VELA: Okay.

MR. KANE: Nothing rears its ugly head later. Okay, no other questions, I'll accept a motion.

MR. RIVERA: I'll make a motion that we grant Michael Vela his requested front yard 6 foot variance for the proposed attached garage.

MR. MINUTA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

ALTON & ALICE PETERSON (04-71)

MR. KANE: Request for a 27 ft. side yard variance and a 34.7 ft. total side yard variance for a proposed addition located at 53 Riley Road.

Ms. Peggy Johnson appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. JOHNSON: I'm not Alice and I'm not Alton, I'm Peggy Johnson, that's Alice back there. I'm her daughter. I just want to let you know, Peggy Johnson.

MR. MINUTA: She's granting you authorization to present tonight?

MS. JOHNSON: Yes and she's right there.

MR. KANE: So you want to tell us again what you want to do?

MS. JOHNSON: My mom and dad is getting on up in age, I want to build a bedroom onto the house so I can move out and take care of them, that's basically about it, that's the whole thing.

MR. KANE: The addition remember is going to go to the side.

MS. JOHNSON: To the side, yeah, no trees, we're not knocking down any trees or anything.

MR. KANE: Just adding one bedroom, nothing fancy.

MS. JOHNSON: No, just bedroom for me and me only, that's it.

MR. KANE: Will you be, I mean, I can tell from the

pictures but you're not going to be cutting down any trees or substantial vegetation?

MS. JOHNSON: No.

MR. KANE: Create any water hazards or runoffs?

MS. JOHNSON: We, no, we hooked up to the sewer.

MR. KANE: Town water and sewer?

MS. JOHNSON: Yes.

MR. KANE: No easements running in that area that you know of?

MS. JOHNSON: No, nothing.

MR. MINUTA: Are you in a preliminary stage as far as planning for this addition?

MS. JOHNSON: Yes.

MR. MINUTA: My first question would be would it not be feasible to extend off the back?

MS. JOHNSON: Well, that's where my dad wanted me to, I'm just doing it where he--

MR. KANE: There was a reason in the prelim that we covered to keep it on the side, something was there where we couldn't swing it out around back.

MR. MINUTA: Thank you.

MR. KANE: With the addition the house is still going to be similar in size to other homes in the area?

MS. JOHNSON: Yes, definitely, there are homes bigger than that, way bigger.

MR. KANE: Way bigger than that in your area?

MS. JOHNSON: Oh, yes, yes, anybody been back in Dean Hill you'll see all the houses.

MR. KANE: Are you still taking care of the yard, ma'am?

MS. PETERSON: Yes.

MS. JOHNSON: Yes, she's got flowers, she has a very nice yard.

MR. KANE: Okay, at this point, I will open it up to the public and ask if anybody in the audience, I guess that's you, if you have any interest in this case? None? We'll close the public portion and ask Myra how many mailings we had?

MS. MASON: I mailed out 46 envelopes and had no response.

MR. KANE: Other questions ladies and gentlemen?

MR. MINUTA: Just for clarity, is that a covered porch off the back?

MS. JOHNSON: No, that's the side view, that's the front of the house.

MR. MINUTA: This piece here, oh, that's the front of the house?

MS. JOHNSON: It's just, yeah, it's not a porch, it's the front of the house, it's just looking to the side so it's not off the back.

MR. KANE: The addition is going to be off to the right. I'm willing to accept a motion.

MR. MINUTA: I'd like to make a motion that we grant Alton and Alice Peterson their requested 27 foot side yard variance and 34.7 foot total side yard variance for the proposed addition located at 53 Riley Road in an R-3 zone.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JOHN LEE (04-72)

Mr. John Lee appeared before the board for this proposal.

MR. KANE: Request for a 21 ft. variance for a proposed attached rear deck with attached gazebo located at 2719 Cherry Tree Way. Tell us what you want to do.

MR. LEE: Sure, basically I'm, we're going to have a 17 x 20 deck that's going to be attached to the rear of the house.

MR. KANE: It's 17 out 20 wide?

MR. LEE: Yes and there's going to be a gazebo attached to it, about ten foot in diameter gazebo which is separate and there's going to be four steps going up to it. The deck itself is level with the inside of the house so when you walk out it doesn't create a hazard. Currently if you try to go out there's stairs so it's going to be level with the house.

MR. KANE: The four steps up to the gazebo is that attached to the deck or just going to be the gazebo there?

MR. LEE: It's part of the deck.

MR. KANE: So it's four steps up from the deck to the gazebo area?

MR. LEE: Right, so the roof of the gazebo is going to match the roof of the house, the shingles so it will blend in, it will be tastefully done so it doesn't look odd. About the deck materials we're going to be using composite, I don't know whether that's irrelevant.

MR. CANE: Only to the building inspector, not to us.



MR. LEE: I won't be creating any hazards with the water and drainage because it's a pretty flat property there, won't be cutting down of trees or anything, I know what to do, there's a lot of neighbors nearby that have similar size decks and, you know, it blends in with the character of the neighborhood basically.

MR. KANE: Boy, you didn't miss anything.

MR. LEE: I'm prepared.

MR. KANE: That's good. So no runoff, no vegetation, proposed 21 foot which is still going to leave you 9 feet for the rear yard.

MR. MINUTA: This gazebo, deck, are going to be made out of an exterior grade wood?

MR. LEE: Composite, the structure itself will be pressure treated and the top layer will be, and the railing itself, the railings will be vinyl and the surface will be composite.

MR. MINUTA: And this will be sitting on a foundation of sorts?

MR. LEE: Yes, they have already drilled holes there but they haven't put the concrete in.

MR. MINUTA: So you're going to use sonit tubes, there will not be a slab is what I'm trying to get at?

MR. KANE: Underneath the deck.

MR. LEE: I don't know the specifics of it.

MR. KANE: Just footings.

MR. LEE: Exactly, concrete footings.

MR. MINUTA: My question is leading to impervious coverage of the property so you don't encroach on that or go over that.

MR. KANE: When you put down cement blacktop that's part of developmental coverage so if you had it under a deck you weren't using it, it would still count against you.

MR. MINUTA: Very good.

MR. KANE: Okay, at this point, I will open the public portion of the meeting and seeing as no one's here we'll close it real quick and ask Myra how many mailings we had.

MS. MASON: On November 18th, I mailed out 63 envelopes and had no response.

MR. KANE: Any other questions?

MR. MINUTA: The setback.

MR. KANE: Rear yard setback is 30 feet.

MR. MINUTA: I'm trying to locate it here, I think there was 9 foot, is that correct?

MR. KANE: He's requesting a 21 foot variance which would leave him 9 feet from the property line. Well, actually, a little bit more because what's going to happen I guess they're getting a little overage, if you do the math, they get 30 to the back of the house, he's coming 17 1/2 out with the deck, is the gazebo going to extend further to your rear line than the deck itself, are they going to be kind of--

MR. LEE: I think it's going to be sticking out a little bit but I think the actual toppings or what you call that will be, they're not going to extend the

actual gazebo top of it will extend but the toppings won't extend.

MR. KANE: His deck is coming out 17 1/2 feet so that really leaves him 12 1/2 feet to his property line so give or take he might have a foot on the gazebo out, it's not as bad as it looks.

MR. MINUTA: My question was going towards separation between the properties as far as fire safety code but Mike will take care of that aspect of it. We have better than ten feet, I don't know of any code that would restrict you from that anyway so that's good, there's no further questions.

MR. KANE: I'll accept a motion.

MR. MINUTA: I'll make the motion, I'd like to make a motion that we grant Mr. John Lee his request for 21 foot variance for his proposed attached rear deck with an attached gazebo located at 2817 Cherry Tree Way in an R-3 zone.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

FORMAL DECISION:

1. JAMES LEE
2. ANGEL BRENNAN
3. MICHAEL SULLA
4. HERBERT REDL
5. JOHN TALDONE
6. KATHLEEN CAMPBELL
7. MARIE GUILLOTIN
8. CHARLES VALOIS
9. ANTHONY FAYO
10. JAMES HOSKIN, JR.
11. ANTHONY YANNONE

MR. KANE: We have a bunch of formal decisions, do you want to take them under one vote?

MS. LOCEY: Yes.

MR. KANE: I'll take a motion.

MR. MINUTA: I'll make the motion that we vote on the previous decisions in bulk.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

DISCUSSION

MR. MINUTA: I would like to thank everyone for the opportunity that I have had here. Tonight will be my last night, I'm moving over to the Planning Board.

MR. KANE: Congratulations.

MR. MINUTA: I want to thank all of you, you have been an inspiration and I have learned a lot since I've been here.

MR. KANE: Appreciate it. Good luck. I'm sure you'll do a good job. It's right up your alley. Motion to adjourn.

MR. MINUTA: So moved.

MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

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